NATIONAL DEFENSE UNIVERSITY

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THE 1972 ANTI-BALLISTIC MISSILE TREATY: A NEED FOR CHANGE

CORE COURSE ESSAY

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> In the modern world, especially, the sense that peace is natural and war an aberration has led to a failure in peacetime to consider the possibility of another war, which, in turn, has prevented the efforts needed to preserve peace
>
> Donald Kagan
> *On the Origins of War and the Preservation of Peace*

Introduction

In the early 1970s, amidst a world order predominantly defined by the Cold War relationship between the US and the Soviet Union, both nations agreed that their strategic security would be best served by deterrence based on mutual vulnerability to nuclear ballistic missile attack Thus, Mutual Assured Destruction (MAD) became the prevailing strategic arrangement -- a long-term, ultra-high stakes US-Soviet standoff backed by massive nuclear arsenals and sealed by the 1972 Anti-Ballistic Missile (ABM) Treaty, more aptly thought of as an anti-ABM treaty The fact that the Cold War never became hot may suggest that MAD was right for the time, but the post-Cold War strategic setting has made the 1972 ABM Treaty a relic that is no longer valid In fact, continued adherence to the treaty, based as it is on the Cold War mind set that strategic deterrence and strategic defense are mutually exclusive, is progressively undermining the security of the US which the treaty was originally intended to preserve To remedy this, the US must do nothing less than press ahead with the development and deployment of a limited national ABM capability and, accordingly, seek to significantly modify the 1972 ABM treaty in conjunction with Russia to achieve a strategic deterrence-defense mix that is essential for today's world context

This analysis cites the principle elements of the Cold War that made the ABM Treaty a viable cornerstone of the strategic arrangement It then examines the post-Cold War factors that have invalidated the ABM Treaty in its current form, and proposes an approach for modifying

the treaty so that strategic deterrence *and* national missile defense can be properly accommodated as needed for the post-Cold War strategic environment

Keeping the Cold War Cold

Three related elements defined the Cold War 1) the bi-polar US-Soviet tension driven by democratic-capitalist versus Communist ideological competition that compelled strategic security concerns on both sides, 2) the resulting arms race that manifested itself in historically large standing conventional forces and nuclear weapons deployments numbering in the thousands, and 3) the strategic deterrent effect which the massive destructive power of the deployed nuclear weapons imposed -- an effect which both sides recognized and heeded According to Cold War logic, the development and deployment of national defenses to counter strategic nuclear ballistic missiles would either fuel the offensive arms race to compensate for the defenses or, worse, would reduce the deterrent effect of these nuclear offensive weapons and thus increase the possibility of nuclear war This logic drove the paradoxical premise that national security is better assured by having no national defense against strategic ballistic missiles Hence, the 1972 ABM Treaty and its subsequent protocols between the US and the former Soviet Union mandate the following for both "Parties" [1]

- Neither may deploy an ABM system capable of defending more than a small region of its sovereign territory from strategic ballistic missile attack
- Each may deploy ABM interceptors around only one location (Moscow for the Soviet Union, the Grand Forks, North Dakota, Intercontinental Ballistic Missile (ICBM) complex for the US), and these locations may have no more than one hundred ABM interceptors/launchers each

- Neither will develop, test, or deploy ABM systems or components which are sea-based, air-based, space-based, or mobile land-based, that is, ABM systems are restricted to fixed, land-based interceptor/launcher systems with no reloads
- Neither will incorporate ABM capabilities into other systems, such as air defense missiles and radars, nor test systems with potential ABM capabilities in an ABM mode
- The treaty is of unlimited duration with review at five-year intervals

Now, with the 1972 ABM Treaty still in effect, the US and Russia continue to deliberately leave the majority of their territories, including major population, industrial, and military centers, defenseless against ballistic missile attack While this legacy may have been viable during the Cold War, the post-Cold War strategic environment has made it obsolete and unacceptably dangerous for the US

A Changed World

All of the defining elements of the Cold War are now relegated to history The Soviet Union has disintegrated and the Communist threat is dramatically receded, the US and Russia have ceased the arms race and historic nuclear and conventional drawdowns are under way on both sides, and strategic deterrence, while still a consideration as long as strategic nuclear weapons remain deployed, appears significantly offset by US-Russian cooperation in arms reductions and in regional conflict intervention such as in Bosnia

But there are other defining elements that constitute the darker side of the post-Cold War world Russia's future is uncertain since internal political and economic turbulence, growing organized crime, and the potential resurgence of Communist leadership leaves the institutionalization of democracy and free-market capitalism in question Contributing to this uncertainty is the concern that Russia's operational control over its strategic nuclear weapons has

diminished in the throes of military reductions and reorganizations This raises the plausibility of an "accidental launch "[2] China, too, is on an uncertain path with internal political tensions and external signs of becoming a regional, if not world, aggressor as evidenced by its ongoing military build-up, its hard-line approach toward Taiwan, and its occupation of parts of the Spratly Islands [3] In other parts of the world, latent regional conflicts, once subordinated to the Cold War US-Soviet super power relationship, have now come to the forefront of the world's agenda And these conflicts increasingly invite direct US involvement for the sake of national interests or humanitarian purposes as in the Gulf War, Somalia, and Bosnia Add to this the continuing proliferation of Weapons of Mass Destruction (WMD) -- nuclear, chemical, and biological -- along with ballistic missile technology and hardware in the hands of state leaders who oppose US interests, and a new strategic threat emerges which the ABM Treaty was never intended to address

In his April 1996 report on proliferation, Secretary of Defense William Perry describes the spread of WMD and ballistic missiles in terms of a global threat, citing Iraq's use of SCUD missiles in the 1991 Gulf War as a "wake-up call "[4] Despite some remarkable achievements in non-proliferation, most notably the Non-Proliferation Treaty, preventing the spread of WMD has proven to be a daunting task China and North Korea are among the leading purveyors in the WMD and ballistic missile proliferation business Additionally, the former Soviet Union has become a major source for technology, expertise, and materials About 1,000 Russian nuclear specialists are now working for "proliferating" states, and there is growing concern that Russian organized crime will acquire and deal in fissile material About thirty kilograms, enough for two or three bombs, are already listed in Russia as stolen [5]

Some intelligence estimates put the number of countries actively seeking WMD and ballistic missile capabilities at more than twenty Heading this list are countries of most concern to the US, the "rogue states" that threaten regional stabilities Iran, Iraq, North Korea, and Libya [6] All four of these countries have well known nuclear aspirations, and although the Iraqi and North Korean nuclear programs appear to be abated for now by the Gulf War sanctions and nonproliferation bargaining (nuclear power for nuclear weapons) respectively, both countries have indigenous chemical and biological capabilities close at hand [7] Iran's nuclear program, on the other hand, is described by the Clinton administration as a "crash effort," and Libya continues to garner technical expertise and materials to bolster its nuclear program [8]

These four countries also have indigenous ballistic missile production facilities and seek to develop ever greater range capabilities which are now mostly limited to tactical, not strategic (intercontinental), distances To redress the current tactical missile threat, the US appears to have heard Iraq's wake-up call and has stepped up its efforts to develop and deploy Tactical Missile Defenses (TMD), but at the same time, has left national defense against strategic missile attack hobbled by the ABM Treaty [9] While the US TMD effort is clearly needed, the US view toward national missile defense is dangerously myopic Indeed, the strategic ballistic missile threat is growing In addition to Russia's and China's strategic missile capabilities, North Korea has in development a ballistic missile, the "Taepo Dong 2," that may achieve ranges beyond 2,000 miles -- far enough to threaten Hawaii and parts of Alaska -- by the year 2005 [10]

China has had Intercontinental Ballistic Missiles (ICBMs), designated the "CSS-4," since the late 1970s The sole motivation for developing and deploying these missiles was to have a capability of attacking targets throughout the US along with the Panama Canal (to preclude the

US from reinforcing the Pacific fleet in the event of a conflict with China) [11] What's more, China has stepped up improvement and deployment of these missiles The CSS-4A has better reliability, accuracy and range (up to 13,000 kilometers) than the CSS-4 [12] In 1992, China had operationally deployed only two of these missiles Since then, they have increased this number to seventeen and have probably produced another ten to fifteen CSS-4As [13] The numbers are still small relative to the US and Russian inventories, but the trend is clear Additionally, China is developing new ICBMs and Submarine Launched Ballistic Missiles (SLBMs), and is probably perfecting higher yield nuclear warheads for deployment on these new delivery systems [14]

Since becoming a nuclear power in 1964, China has consistently declared a "no first use" policy and has asserted that its nuclear weapons are for self-defense only [15] Does this mean China will not resort to nuclear coercion? Apparently not since in January of this year, a Chinese official implied that US military intervention in support of Taiwan's bid for independence might incur a Chinese nuclear missile attack against Los Angeles [16] Such bellicose pronouncements might seem to have little substance since they appear to ignore the deterrent effect of US retaliatory capabilities But in the post-Cold War context, deterrence probably doesn't carry the same assurance it did when only the US and the Soviet Union were involved

Whence Deterrence?

Simply put, deterrence is making an adversary afraid to assault us by causing the adversary to decide that the consequences of the resulting retaliation would be more costly than any possible gain the assault might achieve And there's the trick -- deterrence depends on the *adversary's perception* of a credible deterrent based on our will and capability to retaliate During the Cold War, that perception for both the US and the Soviet Union appeared to be stable based

on a mutual understanding and acceptance of the other side's willingness and capability to inflict overwhelmingly high costs in retaliation for a strategic assault

Can we depend on deterrence in today's world? To an extent, yes, but depending on it to the extent we did during the Cold War runs the risk of assuming too much After China made its thinly veiled threat about attacking Los Angeles, Chinese officials followed up with a direct challenge to US deterrence thinking by stating to a US delegate that China "would sacrifice millions of men and entire cities to assure the unity of China " These officials then "opined that the United States would not make comparable sacrifices "[17]

The Persian Gulf War also provides an object lesson Faced with the possibility of Iraqi use of chemical and biological weapons in the theater of operations, President Bush warned Saddam Hussein in a letter, " the United States will not tolerate the use of chemical or biological weapons *or the destruction of Kuwait's oil fields and installations* You and your country will pay a terrible price if you order unconscionable acts of this sort "[18](emphasis added) Did deterrence work against Iraq? It appears so in the case of Iraq not using chemical or biological weapons as was seemingly corroborated by Iraqi officials in 1995 [19] But deterrence failed to keep Iraq from setting aflame hundreds of Kuwait's oil wells, destroying many other oil installations, and committing other "unconscionable acts" such as the huge oil spill in the Persian Gulf, all with its massive resource waste and environmental damage This is a classic case of the adversary deciding where to draw the line on deterrence

Thomas Schelling, of deterrence theory fame, points out that international relations involving deterrence usually become matters of "competition in risk taking, characterized not so much by tests of force as by tests of nerve "[20] Iraq calling the US bluff about destroying Kuwaiti

oil fields and China threatening Los Angeles are late examples Schelling goes on to point out that competition in risk taking -- brinkmanship -- can get out of hand and result in a failure of deterrence which could lead to an actual outbreak of war, albeit, unnecessarily [21] This possibility has a deterrent effect of its own, but the potential for deterrence to fail is always present and significantly increased when misperceptions, misunderstandings, and miscommunications come into play

Today's world holds a wide variety of known and potential opponents to US interests Each of these opponents comes with a different set of goals, political interests, values, cultural norms, and levels of desperation, and each will become more willing, in varying degrees, to push the competition of risk as they gain WMD and missile capabilities Under these circumstances, the likelihood of misperceptions, misunderstandings, and miscommunications is, indeed, greatly increased over the bi-polar arrangement of the Cold War In sum, because of the number and variety of armed players in the world's "competition of risk taking," deterrence isn't what it used to be

Does this mean that deterrence is dead? Certainly not There is still a need to extend the nuclear deterrent umbrella over the US and many of its allies, most notably, NATO, Japan, and South Korea Deterrence can still work in many situations and remains an essential element of the US strategic posture But the US can no longer expect deterrence by itself to adequately compensate for its vulnerability to strategic missile attack -- a vulnerability held wide-open by the 1972 ABM Treaty

The Attractiveness of Our Vulnerability

The axiom that "great nations compete" has an evident corollary small nations compete too, and they want to be competitive with great nations When a great nation like the US has a strategic vulnerability known throughout the world, lesser powers opposed to any aspect of the US will naturally seek the means to exploit that vulnerability in the hopes of exerting leverage which otherwise would not be possible From this perspective, it is little wonder that the proliferation of WMD and ballistic missile expertise, technology, and material is a daunting and ever-accelerating problem Regional security issues motivate much of the proliferation, but, flatly stated, the ABM Treaty, by preserving the US vulnerability to strategic ballistic missile attack, is certainly contributing to proliferation as well

Ironically, ABM Treaty proponents argue that modifying the treaty to allow greater national ballistic missile defenses would be tantamount to "writing off" the non-proliferation efforts as if keeping the treaty in its current form will contribute to non-proliferation [22] In the midst of the Cold War, the promulgation of the ABM Treaty in 1972 did nothing to curtail the arms race which continued its upward spiral In the same sense, the treaty contributes nothing positive to post-Cold War non-proliferation efforts and only encourages rogue state aspirations for the ability to strike the US Alternatively, a national defense against strategic missiles, in addition to the TMD capability in development, would reduce the US vulnerability by rendering ballistic missile attacks less likely to succeed, and thus, would make pursuit of ballistic missile capabilities less attractive A national ballistic missile defense, therefore, would bolster, not end, non-proliferation efforts But to bolster non-proliferation, a national ballistic missile defense capability must precede the threat (such as is emerging in North Korea), not follow it Trying to

deploy a national ballistic missile defense capability after a rogue state has acquired an ICBM capability will put that state in a "use-or-lose" situation that will only encourage ICBM use Additionally, a national ballistic missile defense capability would bolster the deterrence calculus Whereas now the US can only say, "If you hit me, I'll hit you back," a national ballistic missile defense would change this to "If you hit me, it probably won't be very effective, and I still have the capability to hit you back "

The Current Strategic Context

With the above observations in mind, the US is faced with a world strategic context defined by the following factors

- The Cold War is over but Russia is unstable and still in possession of a large nuclear arsenal that it may reduce to 3,500 deployed warheads (same for the US) if START II is ratified and honored
- China is building up its military, including its ICBM and SLBM inventories, and showing signs of aggression
- Despite great non-proliferation efforts, WMD and ballistic missile proliferation are on the upswing, fueled by Russia, China, and North Korea, rogue states, most notably, North Korea, are striving to develop ICBM capabilities
- The ABM Treaty preserves the US vulnerability to strategic missiles
- Deterrence is less reliable due to the increasing number and variety of states with, or aspiring to get, WMD and ballistic missile capabilities
- The US will most likely continue its roles in selected regional conflict resolutions, states opposed to the US will continue to seek tactical and strategic missile capabilities to dissuade the US

These strategic factors are the real wake-up calls for the US Fortunately, these factors also present a window of opportunity for the US With the Cold War over, the arms race reversed,

but new threats emerging, now is the time for the US to develop and deploy a national ballistic missile defense capability

But the US should not do so unilaterally since the US-Russian strategic balance must be kept stable And Russia, like the US, must accept that the world strategic context is not just about Russia and the US anymore The US should confer with Russia to determine the best approach to deploying strategic ballistic missile defenses for both countries and perhaps, selected allies There are already indications that this approach is viable since, in early 1992, President Yeltsin proposed joint US-Russian cooperation in the realm of missile defense [23] At the time, President Yeltsin rationalized that the ABM Treaty prohibited national, not international, missile defenses. Be that as it may, rather than side-stepping the treaty, a modified ABM Treaty would be the ideal vehicle for defining and formally documenting the strategic ballistic missile defense architecture, quantity, and deployment timing These aspects will take time to achieve agreement on, particularly if other players, allied nations, join the discussions Also, the time for development and deployment must be taken into account Since US intelligence sources predict that the strategic missile threat will significantly increase by the year 2005, the window of opportunity is rapidly closing The US needs to act now

For the sake of expediency -- that is, to get ahead of the emerging threat -- the development of national strategic missile defenses could be a phased approach starting with ground-based ABM interceptors utilizing much of the technology already developed for TMD Over time, these national defenses could then be evolved into more effective space-based sensors and interceptor platforms or a mix of ground-based and space-based ABM systems Regarding quantity, the right deterrence-defense mix should preserve the deterrence attributes of the US-

Russian nuclear arsenals (at levels commensurate with arms limitations agreements among the nuclear powers), and at the same time, provide reasonable immunity from limited or accidental WMD-ballistic missile attack The specific number of ABM interceptors for strategic missile defense would depend on the architecture that would be agreed to and documented in the modified ABM Treaty

Conclusion

The world's current strategic context indicates that the US is at a cross-roads One path is to adhere to the Cold War reasoning that strategic defense and deterrence are mutually exclusive and, therefore, not pursue strategic defense in accord with the 1972 ABM Treaty Unfortunately, as new emerging strategic threats come to fruition, this Cold War thinking will only put the US back into a situation worse than its Cold War vulnerability due to the multiplicity of opposing actors against which deterrence will be questionable By taking this path, the US will thus be relegated to strategic paralysis The other path is to develop and deploy a limited defense against strategic ballistic missiles adequate to hedge against small power strategic missile capabilities in the foreseeable future On this path, the US will preserve its strategic flexibility by precluding small-power WMD-missile blackmail, and will have the option, in conjunction with Russia, to decrease nuclear weapons quantities and increase strategic BMD as deemed appropriate according to the future strategic context Taking this path will likely cost the US billions of dollars, but the US cannot afford to do otherwise, for strategic ballistic missile defense ranks high on the list of "the efforts needed to preserve peace "

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